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submit in good faith to the award." It therefore appears that Bolivia and Peru not only specifically by solemn conventions between themselves were obligated to accept in good faith and execute the award, but that they bound themselves in the Second Pan-American Conference to accept and execute the award, and by their presence, their votes, in the Second Hague Conference and the ratification of the convention for the pacific settlement of international disputes they bound themselves to the nations of the world, accepting and applying the principles of international law, to give full effect to an arbitral sentence. The failure to do so would have been not merely the breach of a conventional stipulation between the two countries but of an international obligation of the greatest solemnity and importance. Their international standing would have been questioned, their credit would have been shaken, and the cause of arbitration would have been wounded in the house of its friends, for there is fortunately no precedent for the non-execution of an arbitral award.

RENEWAL OF MODUS VIVENDI CONCERNING NEWFOUNDLAND FISHERIES

It is a matter of sincere congratulation that the governments of Great Britain and the United States have decided to continue in force the present *modus vivendi* of 1908, pending the arbitration of the North Atlantic Coast Fisheries question, the text of which, as well as of its immediate predecessor, is to be found in the SUPPLEMENT¹ to the JOURNAL.

When the *modus vivendi* of 1908 was negotiated it was expected by both governments that an agreement to arbitrate, and the issues to be submitted to arbitration would be prepared and accepted at an early date, but the actual negotiation of the agreement and the formulation of the issues to be submitted required much time and consideration, and the policy of the British government in consulting the dependencies involved, namely, Canada and Newfoundland, occupied more than double the time expected. The agreement to arbitrate and the question to be submitted were signed January 27, 1909, submitted to the Senate and duly consented to by that body on February 18, 1909, and by an exchange of notes dated March 4, 1909, the preliminary agreement to arbitrate and the questions to be arbitrated went into effect.² Under date of

¹ 1:349, 2:327.

² For the text of this important document and for its analysis, see this JOURNAL, 3:461; and SUPPLEMENT, 3:168.

September 9, 1909, the Department of State learned that Great Britain consented to the renewal of the *modus vivendi* until the close of the arbitration proceedings to be held at The Hague.

That the question, however difficult or complicated it may be, is nevertheless susceptible of diplomatic regulation, is evidenced by the fact that since the *modus vivendi* of 1906 there has been no fishing controversy of any importance between the two governments, and British subjects and American citizens have pursued their calling within the treaty limits without vexation or any appreciable annoyance. It is to be hoped that the arbitral award interpreting the convention of 1818 will be so clear and explicit in its terms as to prevent doubt or ambiguity as to its meaning, and to settle fully the rights of Great Britain and the United States under the convention.

BRITISH EXTRATERRITORIAL JURISDICTION IN SIAM

The equality of states is said to be a fundamental conception of international law, and within certain limits the statement may be accepted. It should be borne in mind, however, that equality of right is not synonymous with influence, and while technically speaking a small nation such as Haiti may be treated as an equal by Great Britain, and accorded the rights before the law claimed and exercised by Great Britain, the influence of the former can not be compared to the influence of the latter. Equal before the law, they are unequal in influence. It should also be noted, however, that the partisans of the theory of the equality of nations, while applying it to the states whereof they are citizens or subjects, limit in practice its application to states in regular and full standing in the family of nations. Oriental nations, however old their civilization, are not by the mere fact of statehood regarded as equals or treated as such and are only admitted to full membership in the family of nations upon satisfactory evidence that the citizens or subjects of foreign states enjoy within their dominions the rights, privileges, and protection of law accorded in European and American communities. Where these guarantees are lacking foreign states claim the right to protect their citizens according to their own forms and process of law, and treat them as if they resided within territory actually subject to their jurisdiction.

Extraterritorial jurisdiction is thus claimed and exercised, and the status created by the exercise of this jurisdiction is termed "extraterri-